



SEVERE ACUTE RESPIRATORY SYNDROME

QUESTIONS AND ANSWERS

Questions and Answers on Executive Order and Interim Final Rule

Q.1. What is CDC's quarantine authority?

A.1. Title 42 United States Code Section 264 (Section 361 of the Public Health Service Act) gives the Secretary of HHS responsibility for preventing the introduction, transmission, and spread of communicable diseases from foreign countries into the United States and within the United States and its territories/possessions. This statute is implemented through regulations found at 42 CFR Parts 70 and 71. Under its delegated authority, the CDC is empowered to detain, medically examine, or conditionally release individuals suspected of carrying a communicable disease.

Q.2. Why was an Executive Order necessary?

A.2. Under the procedures required under the PHS Act, the list of diseases for which quarantine is authorized must first be specified in an Executive Order of the President, on recommendation of the HHS Secretary. By amending the list to include SARS, HHS is simply taking the pragmatic step of readying all options as we continue to tackle this disease.

Q.3. What does the Executive Order accomplish?

A.3. In the event a passenger infected with SARS were to arrive in the United States on board an international flight, the Executive Order provides HHS with clear legal authority to detain or isolate the non-compliant passenger and prevent the passenger from infecting others. This authority would only be used if someone posed a threat to public health and refused to cooperate with a voluntary request.

Q.4. Were any other diseases added to the list?

A.4. No, the Executive Order only added SARS to the list of communicable diseases for which isolation and/or quarantine is authorized. The other diseases: Cholera; Diphtheria; infectious Tuberculosis; Plague; Smallpox; Yellow fever; and Viral Hemorrhagic Fevers, have appeared on the list since 1983.

Q.5. Why did CDC issue a new rule?

A.5. Amending the quarantine regulations to incorporate the Executive Order by reference eliminates the unnecessary administrative delay in the future of publishing another regulation if the list needs to be changed again. These revisions also serve the dual capacity of giving HHS the flexibility to better protect the public against the increased threat of a new microbe deliberately used in a bioterrorism event.

Q.6. Why was this new rule issued without notice and comment?

A.6. This rule was issued on an interim final basis with no prior notice and comment and no delay in effective date. As of April 12, 2003, the WHO has reported 2960 cases and 119 deaths of severe pneumonia-like illness of unknown origin in a growing number of countries. Several countries, including

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Canada, Hong Kong SAR, and Singapore have instituted maximum health measures, including quarantine, to prevent the further spread of the disease. The CDC is currently investigating 188 suspected cases of the disease in the United States. Accordingly, appropriate public health control measures including quarantine need to be available immediately to protect against this threat.

Q.7. Have other countries taken similar steps?

A.7. Several countries, including Canada, Hong Kong SAR, and Singapore have instituted maximum health measures, including quarantine, to prevent the further spread of the disease. Ontario, Canada has taken the additional step of making SARS a reportable, virulent, communicable disease under Ontario's Health Protection and Promotion Act. This allows Canadian public health officers to issue orders to stop infected people from engaging in activities that transmit SARS.

Q.8. Have these new quarantine powers been used yet?

A.8. CDC has not compelled the isolation or quarantine of anyone for SARS. CDC routinely uses the authority of the PHS Act to monitor passengers arriving into the United States for communicable diseases.

Q.9. When was this quarantine power last used?

A.9. The last litigated case involving the involuntary quarantine of a passenger arriving into the United States occurred in 1963 and involved a suspect case of smallpox. On the other hand, CDC routinely temporarily detains incoming planes and interviews passengers for health reasons. For example, CDC temporarily detained an incoming plane and interviewed passengers in Seattle in December 2001 to verify that a report of smallpox aboard the flight was in fact a hoax.

Q.10. When does CDC intend to use these quarantine powers?

A.10. In general, HHS defers to the state and local health authorities in their primary use of their own separate quarantine powers. Based upon long experience and collaborative working relationships with our state and local partners, CDC would continue to anticipate the need to use this federal authority to actually quarantine a person only in rare situations, like events at ports of entry or in similar time-sensitive settings.

For more information, visit <http://www.cdc.gov/ncidod/sars> or call the CDC public response hotline at (888) 246-2675 (English), (888) 246-2857 (Español), or (866) 874-2646 (TTY)